

BEFORE THE  
STATE BOARD OF PHARMACY  
STATE OF MISSOURI

MISSOURI BOARD OF PHARMACY,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 2008-004386-V1
	)	
REDDY DRUGS, INC.,	)	
D/B/A THE MEDICINE SHOPPE	)	
	)	
Respondent.	)	

**FINDINGS OF FACT, CONCLUSIONS OF LAW,  
AND ORDER OF DISCIPLINE**

This matter appears before the Missouri Board of Pharmacy ("Board") pursuant to a probation violation Complaint regarding Reddy Drugs, Inc., d/b/a The Medicine Shoppe, Respondent.

**Findings of Fact**

1. The Board set this matter for hearing and served notice of the violation of discipline hearing upon Reddy Drugs, Inc.
2. Pursuant to notice and Section 621.110, RSMo, this Board held a hearing on November 18, 2008, at the Courtyard by Marriott, 3301 LeMone Industrial Boulevard, Columbia, Missouri, for the purpose of determining the appropriate disciplinary action against the pharmacy permit of Reddy Drugs, Inc. Neither Reddy Drugs, Inc. nor any counsel for Reddy Drugs, Inc. appeared. The Board was represented by Lanette Gooch. See Transcript page 4-5.
3. All Board members, except Melissa Graham, were present throughout the violation of discipline hearing.
4. The Board is an agency of the state of Missouri created and established pursuant to Section 338.110, RSMo, for the purpose of executing and enforcing the provisions of Chapter 338, RSMo.

5. Reddy Drugs, Inc. was licensed by the Board, permit number 005742, which permit was current and active at all relevant times. See Transcript page 11.

6. Pursuant to a settlement agreement between Reddy Drugs, Inc. and the Board, Reddy Drugs, Inc.'s pharmacy permit was placed on probation for a period of three (3) years, subject to the following conditions:

A. Reddy Drugs, Inc. shall comply with Chapter 338 RSMo and all regulations promulgated by the Board. See transcript page 20 and Exhibit A, page 000020.

B. Reddy Drugs, Inc. shall report to the Board on a preprinted form supplied by the Board office, once every six months, commencing within six months of the Settlement Agreement becoming effective, stating truthfully whether it has complied with the terms and conditions of the disciplinary order. See transcript pages 13-14 and Exhibit A, page 000021.

C. Reddy Drugs, Inc. shall select and submit credentials for approval by the Board of a consultant who would develop a written plan of action and submit reports, with the first one due to be filed with the Board thirty (30) days after the Settlement Agreement took effect. See transcript pages 16-17 and Exhibit A, pages 000021-000022.

7. Reddy Drugs, Inc. did not retain a consultant. See transcript page 22.

8. Reddy Drugs, Inc. failed to use compendia grade ingredients and failed to maintain a certificate of analysis. See transcript page 25.

9. Reddy Drugs, Inc. had repackaged or prepackaged drugs that were not properly labeled in its pharmacy on July 18, 2008, during its probationary period. See transcript page 24.

10. Reddy Drugs Inc. had expired drugs in its inventory on July 18, 2008, during its probationary period. See transcript page 26.

11. Reddy Drugs Inc. failed to maintain a log or invoice to show receipt of active shelf stock from another pharmacy on July 18, 2008, during its probationary period. See transcript page 25.

12. Reddy Drugs Inc. failed to log a compound prescription in the compound log on July 18, 2008, during its probationary period. See transcript page 27.

13 Reddy Drugs Inc. failed to properly receive controlled substances by failing to note the name, address, the number, the quantity, and the date received of the controlled substances on July 18, 2008, during its probationary period. See transcript page 27.

14. Reddy Drugs Inc. failed to list active therapeutic ingredients on a patient's container given to the patient on the compounded prescription on July 18, 2008, during its probationary period. See transcript page 28.

15. Reddy Drugs Inc. failed to take the required inventory of controlled substances upon a change in the pharmacist in charge, and that was discovered by the Board's inspector on July 18, 2008, during its probationary period. See transcript page 28.

16. Reddy Drugs Inc. had compound prescriptions that were returned to stock without assigning batch numbers and beyond use dates on the container and the compound log on July 18, 2008, during its probationary period. See transcript pages 28-29.

17. Reddy Drugs, Inc. violated the terms of the disciplinary order by his actions identified in paragraphs 7-16 above.

18. Reddy Drugs, Inc. notified the Board that it would not attend the hearing and that it had decided to close its pharmacy. See transcript page 15.

19. The Order provides that if the Board determines that Reddy Drugs, Inc. has violated a term or condition of the Order, which violation would also be actionable in a proceeding before the AHC or the circuit court, the Board may elect to pursue any lawful remedies or procedures afforded it and is not bound by the Order in its determination of appropriate legal actions concerning that violation. See Exhibit A, pages 000022 and 000023.

20 The Order also provides that no order shall be entered by the Board pursuant to the preceding paragraph without notice and an opportunity for a hearing before the Board in accordance with the provisions of Chapter 536, RSMo. See Exhibit A, page 000022.

#### Conclusions of Law

21. The Board has jurisdiction over this proceeding in that the Complaint presents a case in which the Board must determine whether or not a licensee has violated a condition or conditions of a disciplinary order issued by the Board. State Board of Registration for the Healing Arts v. Masters, 512 S.W.2d 150, 160-161 (Mo. App., K.C.D. 1974).

22. The Board has jurisdiction to take disciplinary action against Respondent in that Respondent has violated the Settlement Agreement.

23. Respondent's license to practice as a pharmacy, numbered 005742, is subject to revocation, suspension, probation, or censure by the Board pursuant to the provisions of Section 338.055.2 (5), (6), and (13), RSMo.


Order

THEREFORE, having considered all of the evidence before the Board, it is the ORDER of the Missouri Board of Pharmacy that the pharmacy permit issued to Respondent, numbered 005742, is REVOKED. Reddy Drugs, Inc. may not apply for reinstatement of its license as a pharmacy for (7) seven years after the date of this Order, as provided in Section 338.067, RSMo. Respondent shall return all indicia of licensure, i.e., the computer-generated 5" x 7" license and the wallet card to the Board office.

This document shall be maintained by the Board of Pharmacy as an open and public record of the Board as provided in Chapters 338, 610, 324, RSMo.

ENTERED THIS 19<sup>th</sup> DAY OF DECEMBER, 2008

(BOARD SEAL)

  
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THOMAS M. GLENSKI, R.Ph.  
CHIEF INSPECTOR  
MISSOURI BOARD OF PHARMACY